

Minneapolis City Planning Department Report
Rezoning, Conditional Use Permit, 3 Setback Variances and Site Plan Review
BZZ-733

Date: August 5, 2002

Applicant: Brighton Development

Address of Property: 1817, 21, 23 and 29 Third Avenue South

Project Name: Lofts on Arts Avenue

Date Application Deemed Complete: July 12, 2002

End of 60-Day Decision Period: September 10, 2002

End of 120-Day Decision Period: Not applicable

Applicant has Waived 60-Day Requirement: No

Contact Person and Phone: Deidre Schmidt, (612) 332-5664

Planning Staff and Phone: Hilary Watson, (612) 673-2639

Ward: 6 **Neighborhood Organization:** Stevens Square Community Organization

Existing Zoning: R3

Proposed Use: 36-unit condominium building

Concurrent Review:

Rezoning: from R3 to OR3

Conditional Use Permit: for a 36-unit condominium building

Variance: To reduce the front yard setback along Third Avenue South from the required 15 feet to 5 feet 8 inches

Variance: To reduce the interior side yard setback from the required 13 feet to 11 feet

Variance: To reduce the rear yard setback from the required 13 feet to 5 feet 8 inches

Variance: To reduce the corner side yard setback from the required 16 feet to 2 feet 4 inches

Site Plan Review: Development containing more than 5 dwelling units

Please note that the applicant has indicated to staff that the intention was always to meet the interior side yard setback and that in order to meet that setback the building will be moved 2 feet to the south. This means that the variance for the interior side yard setback can be retuned to the applicant and that the variance for the corner side yard setback will be from 16 feet to 2 feet 2 inches, not 4 feet 4 inches as originally noticed.

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Previous Actions: None that are relevant to the proposed development.

Background: The proposed development is located in the Stevens Square neighborhood. The development site is located on the northeast corner of the intersection of Third Avenue South and East 19th Street. Located on the same block as the proposed development are several multiple-family dwellings and two single-family dwellings.

The development involves the construction of a five-story, 36-unit condominium building with one level of enclosed parking. In addition there is an outdoor recreation area located towards the back of the development as well as 6 guest parking spaces.

Currently, there are two residential buildings located on the site as well as a parking lot. Both of the residential buildings on the site are vacant. The parking lot, which is located at 1829 Third Avenue South is currently used by various residents in the neighborhood. The MCDA is working with the current land owner of the parking lot to do a land swap for the property located at 1820 Clinton Avenue South to replace the parking lot.

This site is located along Third Avenue South. Third Avenue South, between the Mississippi River and the Minneapolis Institute of Arts, is referred to as the “Avenue of the Arts.” The concept behind “Avenue of the Arts” is that it will become a grand boulevard extending across the City of Minneapolis connecting the arts community and downtown Minneapolis. It should also be noted that this site is located across the street from the Steven’s Square Historic District. The applicant has been in contact with the State Historic Preservation Office and the Planning Department - Heritage Preservation planner.

Neighborhood Review: The applicant has met with the Stevens Square Community Organization on several occasions to review the development progress of the Lofts on Arts Avenue project. In a letter dated July 16, 2002, Douglas Kress, Executive Director of the neighborhood organization, expressed their approval of the project.

REZONING

Zoning Plate Number: 20

Legal Description: Lots 13, 14, 15, 16, Block 21, Jackson Daniels & Whitney’s Addition, Minneapolis.

Findings as Required by the Minneapolis Zoning Code for a Rezoning:

- 1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.**

This site is located in a medium and high-density residential area. The site is located one block north of Franklin Avenue, which in this area of the city, is designated as a community corridor.

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In the Marketplaces: Neighborhoods chapter found in *The Minneapolis Plan*, Policy 4.9 states that “Minneapolis will implement its adopted Housing Principles and the Housing Impact Measures through community-based strategies directing future housing development.”

In the Marketplaces: Neighborhoods chapter found in *The Minneapolis Plan*, Policy 4.10 states that “Minneapolis will reasonably accommodate the housing needs of all of its citizens.”

This development will be providing 36 units of for-sale condominiums in a neighborhood that has a rental rate of approximately 93 percent. Of the units in the building, 7 of the units will be sold at the 50 percent metropolitan median income level, 11 of the units will be sold at the 80 percent metropolitan median income level, 8 units will be sold at the 115 percent metropolitan median income level and the remaining 10 units will be sold at market rate.

Community corridors, as described in *The Minneapolis Plan*, are streets that support new residential development at medium density and increased housing diversity in the neighborhoods. Design and development along these streets is oriented towards the pedestrian experience. These streets carry high volumes of traffic. These streets are also important identifiers and travel routes for neighborhood residents and pass-through traffic.

Although this site is located one block north of Franklin Avenue the development provides many qualities of a project one would be looking for within such close proximity to a community corridor. The development is providing 36 units of housing on a relatively small lot, the building is located at the property line and is enclosing all of its parking which keeps the focus of the project on the pedestrian and not the automobile.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

Staff finds that the rezoning is in the sole interest of the property owner. Converting this property’s zoning from R3 to OR3 allows the property owner to construct a five-story building with 36 condominium units.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

This property is surrounded by several types of dwellings including single-family homes, duplexes and multiple-family dwellings. There is also a convenience store located across the street from the site. The surrounding area has a mixture of C1, C2, R3 and OR3 zoning. The purpose of the OR3 zoning district, as stated in the Minneapolis Zoning Code, says that it is “established to provide a mixed use environment of very high density dwellings, large office uses, and major institutions, with additional small scale retail sales and services uses designed to serve the immediate surroundings. This district may serve freestanding institutions and employment centers or as a transition between downtown and surrounding moderate to low density residential neighborhoods.” Based on the surrounding zoning and

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the number of high density multiple-family dwellings in the area, the Planning Department believes that OR3 zoning would be compatible with the surrounding area.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

The R3 zoning district does allow a wide range of uses that could potentially locate here including, several residential uses, institutional and public uses, social, cultural, charitable and recreational facilities, bed and breakfast homes, child care facilities and public services and utilities uses. The R3 zoning district would only allow for 10 dwelling units to be built on the site whereas the OR3 zoning district would allow up to 86 dwelling units to be built on the site. Because this site is located in an area surrounded by a large number of multiple-family dwellings the Planning Department believes that the OR3 zoning district is well suited in this particular location.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

This particular area of the city has always been characterized by high density multiple-family dwellings.

RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:

The City Planning Department recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning from R3 to OR3 for the Brighton Development Lofts on Third Avenue project located at 1817, 21, 23 and 29 Third Avenue South.

CONDITIONAL USE PERMIT

Findings as Required by the Minneapolis Zoning Code:

The Minneapolis City Planning Department has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

The Planning Department does not believe that 36 units of for-sale condominiums will be detrimental to the surrounding area. Approximately 93 percent of the dwellings in the Stevens Square neighborhood are rental. This project will add a stabilizing element to the neighborhood.

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2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

The Planning Department does not believe that this development will be injurious to the use and enjoyment of surrounding property nor will it impede the normal development of the surrounding area. This property is surrounded by several types of dwellings including single-family homes, duplexes and multiple-family dwellings. This development will replace a parking lot and two vacant residential buildings with 36 units of for-sale condominiums.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

The applicant will be working closely with the Public Works Department during the duration of the development to ensure that all procedures are followed in order to comply with city requirements.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

The parking requirement for the development is 36 parking spaces. The applicant is providing 45 enclosed parking spaces, including 6 guest parking spaces. The resident parking area is accessed off of East 19th Street and the guest parking area is accessed off of the alley.

5. Is consistent with the applicable policies of the comprehensive plan.

This site is located in a medium and high-density residential area. The site is located one block north of Franklin Avenue, which in this area of the city, is designated as a community corridor.

In the Marketplaces: Neighborhoods chapter found in *The Minneapolis Plan*, Policy 4.9 states that “Minneapolis will implement its adopted Housing Principles and the Housing Impact Measures through community-based strategies directing future housing development.”

In the Marketplaces: Neighborhoods chapter found in *The Minneapolis Plan*, Policy 4.10 states that “Minneapolis will reasonably accommodate the housing needs of all of its citizens.”

This development will be providing 36 units of for-sale condominiums in a neighborhood that has a rental rate of approximately 93 percent. Of the units in the building, 7 of the units will be sold at the 50 percent metropolitan median income level, 11 of the units will be sold at the 80 percent metropolitan median income level, 8 units will be sold at the 115 percent metropolitan median income level and the remaining 10 units will be sold at market rate.

Community corridors, as described in *The Minneapolis Plan*, are streets that support new residential development at medium density and increased housing diversity in the neighborhoods. Design and development along these streets is oriented towards the pedestrian experience. These streets carry high

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volumes of traffic. These streets are also important identifiers and travel routes for neighborhood residents and pass-through traffic.

Although this site is located one block north of Franklin Avenue the development provides many qualities of a project one would be looking for within such close proximity to a community corridor. The development is providing 36 units of housing on a relatively small lot, the building is located at the property line and is enclosing all of its parking which keeps the focus of the project on the pedestrian and not the automobile.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

With the approval of the rezoning, the conditional use permit, the 3 setback variances and the site plan review this development will be in conformance with the applicable regulations of the zoning code.

RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application for the Brighton Development Lofts on Third Avenue project located at 1817, 21, 23 and 29 Third Avenue South.

VARIANCE - to reduce the front yard setback along Third Avenue South from the required 15 feet to 5 feet 8 inches

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Front yard setback: The applicant is seeking a variance to reduce the front yard setback along Third Avenue South from the required 15 feet to 5 feet 8 inches. The applicant has indicated that the building was designed to be compatible with the majority of the buildings in the neighborhood. The dominant building type in the neighborhood are three-and-a-half story brick buildings that are located close to the property lines. The applicant has also indicated that in order to locate all of the parking within the building that the building needs to be as large as it is proposed. Staff would point out that the applicant is providing 9 more stalls than required.

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2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Front yard setback: Although the desire to be compatible with the setbacks of the adjacent buildings is not a unique characteristic of the site; not being able to replicate characteristics of adjacent buildings has been seen as a hardship.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Front yard setback: Staff believes that the granting of this variance would be in keeping with the spirit and intent of the ordinance as the setback of the proposed development will be compatible with surrounding buildings. Please note that the adjacent building to the south of the site is located 12 feet from the front property line.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Front yard setback: Granting the variance would likely have no impact on congestion of area streets or fire safety, nor would the proposed development be detrimental to welfare or public safety.

RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:

The City Planning Department recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the front yard setback along Third Avenue South from the required 15 feet to 5 feet 8 inches.

VARIANCE - to reduce the interior side yard setback from the required 13 feet to 11 feet

The applicant has indicated to staff that the intention was always to meet this setback and that the building will be moved 2 feet to the south in order to meet this setback.

RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:

The City Planning Department recommends that the City Planning Commission **return** the variance application to the applicant.

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VARIANCE - to reduce the rear yard setback from the required 13 feet to 5 feet 8 inches

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Rear yard setback: The applicant is seeking a variance to reduce the rear yard setback from the required 13 feet to 5 feet 8 inches. The applicant has indicated that the building was designed to be compatible with the majority of the buildings in the neighborhood. The dominant building type in the neighborhood are three-and-a-half story brick buildings that are located close to the property lines. The applicant has also indicated that in order to locate all of the parking within the building that the building needs to be as large as it is proposed. Staff would point out that the applicant is providing 9 more stalls than required.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Rear yard setback: Although the desire to be compatible with the setbacks of the adjacent buildings is not a unique characteristic of the site; not being able to replicate characteristics of adjacent buildings has been seen as a hardship.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Rear yard setback: Staff believes that the granting of this variance would be in keeping with the spirit and intent of the ordinance as the setback of the proposed development will be compatible with surrounding buildings. Please note that only 65 feet of the building is located 5 feet 8 inches from the rear property line and the rest of the building is located 41 feet from the rear property line.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Rear yard setback: Granting the variance would likely have no impact on congestion of area streets or fire safety, nor would the proposed development be detrimental to welfare or public safety.

RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:

The City Planning Department recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the rear yard setback from the required 13 feet to 5 feet 8 inches.

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VARIANCE - to reduce the corner side yard setback from the required 16 feet to 2 feet 4 inches

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Corner side yard setback: The applicant is seeking a variance to reduce the corner side yard setback from the required 16 feet to 2 feet 4 inches. The applicant has indicated that the building was designed to be compatible with the majority of the buildings in the neighborhood. The dominant building type in the neighborhood are three-and-a-half story brick buildings that are located close to the property lines. The applicant has also indicated that in order to locate all of the parking within the building that the building needs to be as large as it is proposed. Staff would point out that the applicant is providing 9 more stalls than required.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Corner side yard setback: Although the desire to be compatible with the setbacks of the adjacent buildings is not a unique characteristic of the site; not being able to replicate characteristics of adjacent buildings has been seen as a hardship.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Corner side yard setback: Staff believes that the granting of this variance would be in keeping with the spirit and intent of the ordinance as the setback of the proposed development will be compatible with surrounding buildings.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Corner side yard setback: Granting the variance would likely have no impact on congestion of area streets or fire safety, nor would the proposed development be detrimental to welfare or public safety.

RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:

The City Planning Department recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the corner side yard setback from the required 16 feet to 2 feet 4 inches.

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SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan. (See Section B Below for Evaluation.)**
- C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C Below for Evaluation.)**

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.**
- The area between the building and the lot line shall include amenities.**
- The building shall be oriented so that at least one (1) principal entrance faces the public street.**
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.**
- For new construction, the building façade shall provide architectural detail and shall contain windows at the ground level or first floor.**
- In larger buildings, architectural elements shall be emphasized.**
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.**
- The use of plain face concrete block as an exterior material shall be prohibited where visible from a public street or a residence or office residence district.**
- Entrances and windows:**
- Residential uses shall be subject to section 530.110 (b) (1).**
- Nonresidential uses shall be subject to section 530.110 (b) (2).**
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

PLANNING DEPARTMENT RESPONSE

- The development does reinforce the street wall as it is proposed to be located 5 feet 8 inches from Third Avenue South and 2 feet 4 inches from East 19th Street. However, the development does not**

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maximize natural surveillance or facilitate pedestrian access, as there are no windows located on the first floor of the building.

- The building is proposed to be setback 5 feet 8 inches from Third Avenue South and 2 feet 4 inches from East 19th Street.
- The applicant is proposing to have 3-foot high planter beds between the property line and the building on both Third Avenue South and East 19th Street.
- The principal entrance for the building faces Third Avenue South but is setback 36 feet from the front property line.
- The applicant is providing 45 enclosed parking spaces, including 6 guest parking spaces. The resident parking area is accessed off of East 19th Street and the guest parking area is accessed off of the alley.
- The building is proposed to be constructed of rock face concrete block and brick. There will also be large glass windows on all four sides of the building.
- The Third Avenue South and East 19th Street elevations have been broken up into smaller sections through the use of large glass windows and balconies.
- The sides and back of the building will be compatible with the front of the building.
- Plain face block will not be visible from the street.
- The percentage of windows on the Third Avenue South side of the building is approximately 5 percent and the percentage of windows on the East 19th Street side of the building is approximately 9 percent. Neither of these building walls meet the zoning code requirement of 20 percent.
- There is a parking garage located on this site, however it is only one floor so sloping floors are not a concern.

ACCESS AND CIRCULATION

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.140 (b).**
- **Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.**
- **Site plans shall minimize the use of impervious surfaces.**

PLANNING DEPARTMENT RESPONSE

- This development does conform to the walkway and sidewalk requirements of the zoning code.
- There are no bus stops being proposed as part of this development.
- The development conforms with the zoning code and with the requirements of the Public Works Department in regards to vehicular access and circulation. The applicant is providing 45 enclosed parking spaces, including 6 guest parking spaces. The resident parking area is accessed off of East 19th Street and the guest parking area is accessed off of the alley.
- All of the parking for this site is located within the building and is accessed off of East 19th Street. The 6 guest parking stalls, which are also located within the building, are accessed off of the alley.

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- According to the applicant, snow will be stored on the east side of the site near the alley.
- There is minimal landscaping on the site currently. The landscaping requirement for the site is 2,008 square feet. The applicant is proposing to have approximately 4,401 square feet of landscaping (44 percent) on the site once the project is complete.

LANDSCAPING AND SCREENING

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
- Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).
- Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).
- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.
- Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:
 - A decorative fence.
 - A masonry wall.
 - A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).
- Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).
- The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.
- Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.
- All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.
- All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.

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PLANNING DEPARTMENT RESPONSE

- There is minimal landscaping on the site currently. The landscaping requirement for the site is 2,008 square feet. The applicant is proposing to have approximately 4,401 square feet of landscaping (44 percent) on the site once the project is complete.
- The applicant is proposing to install a 5-foot high black vinyl coated chain link fence around the perimeter of the outdoor recreation area located towards the back of the development. The applicant is also proposing to install a 6-foot high black vinyl coated chain link fence with privacy slats around the trash and recycling area near the back of the development. Please note that chain link fences with privacy slats are prohibited by the zoning code.

ADDITIONAL STANDARDS

- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **Buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260.**
- **Site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

PLANNING DEPARTMENT RESPONSE

- The applicant is proposing to have wall lights over all of the entrances to the building, including the vehicle entrances.
- All of the parking for this site is located within the building and is accessed off of East 19th Street. The 6 guest parking stalls, which are also located within the building, are accessed off of the alley.
- This building does not block views of important elements within the city.
- The building has minimal light and air effects on the surrounding area.
- This building has minimal wind effects on the surrounding area.
- The Police Department has reviewed the design in regards to crime prevention design elements. The CPTED specialist indicated that there should be lighting near all of the entrances to the building and that if windows are installed along the first level of the building that the landscaping should be of the species and height that will not block those views into and out of the building.
- This site is neither historic nor located in a historic district. However, it should be noted that this site is located across the street from the Steven's Square Historic District. The applicant has been in contact with the State Historic Preservation Office and the Planning Department - Heritage Preservation planner.

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Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan

ZONING CODE

With the approval of the rezoning, the conditional use permit, the 4 setback variances and the site plan review this development will be in conformance with the applicable regulations of the zoning code.

THE MINNEAPOLIS PLAN

This site is located in a medium and high-density residential area. The site is located one block north of Franklin Avenue, which in this area of the city, is designated as a community corridor.

In the City Form chapter found in *The Minneapolis Plan*, Policy 9.5 states that “Minneapolis will support the development of residential dwellings of appropriate form and density.”

In the City Form chapter found in *The Minneapolis Plan*, Policy 9.8 states that “Minneapolis will maintain and strengthen the character of the city’s various residential areas.”

In the City Form chapter found in *The Minneapolis Plan*, Policy 9.10 states that “Minneapolis will support efforts that recognize both the increased visibility and importance of corner properties and the role of gateways in enhancing traditional neighborhood character.”

In the City Form chapter found in *The Minneapolis Plan*, Policy 9.16 states that “Minneapolis will encourage new development to use human scale design features and incorporate sunlight, privacy, and view elements into building and site designs.”

In the City Form chapter found in *The Minneapolis Plan*, Policy 9.17 states that “Minneapolis will build on recent initiatives to use Crime Prevention Through Environmental Design (CPTED) principles when designing all projects that impact the public realm, including open spaces and parks, on publicly owned and private land.”

In the City Form chapter found in *The Minneapolis Plan*, Policy 9.18 states that “Minneapolis will establish land use regulations, in order to achieve the highest possible development standards, enhance the environment and otherwise carry out the comprehensive plan.”

This building was designed to replicate other buildings throughout the neighborhood. The dominant building type in the neighborhood are three-and-a-half story brick buildings located close to the property lines. The proposed development is a five-story building, made primarily out of brick with windows dispersed evenly along the front building walls and the building is located close to the property lines. Another feature of the building that was done to replicate other buildings throughout the neighborhood was that the building entrance has been pulled back from the corner of Third Avenue South and East 19th Street. This design feature of the building was done to replicate the open park space directly across the street from the site. Please note that there are several properties throughout the neighborhood that have small pocket parks on site.

Staff does believe that some sort of treatment needs to be added to the top of the building that would

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emphasize the roof line of the building. As it is proposed the bottom and the middle of the building are emphasized but not the top. Staff is also concerned about the lack of windows located along the first floor façade of the building on both Third Avenue South and East 19th Street. Without windows there is no interaction between the building and those walking along the street. If there were windows located along the first floor of the building one would be looking into the parking garage of the building from the street. Staff believes that although this is not the most ideal situation, windows would provide a sense of security and would provide natural sunlight for those in the parking garage and would provide visual interest for those on the street.

Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council

There are no small area plans adopted by the city for this particular location.

ALTERNATIVE COMPLIANCE

The Planning Commission may approve alternatives to any major site plan review requirement upon finding any of the following:

- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**
- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

PLANNING DEPARTMENT RESPONSE

- The Planning Department does not believe that alternative compliance is warranted for this site.

RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for the Brighton Development Lofts on Third Avenue project located at 1817, 21, 23 and 29 Third Avenue South subject to the following conditions:

1. The Planning Department shall approve the final site plan.
2. The Planning Department shall approve the final landscaping plan.
3. The Planning Department shall approve the final dumpster enclosure elevations.

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4. The Planning Department shall approve the final lighting plan.
5. The Planning Department shall approve the final elevation plans.
6. There shall be 20 percent windows located along the first floor façade of the building on both Third Avenue South and East 19th Street.
7. The applicant shall add some sort of treatment to the top of the building so as to emphasize the roof line of the building.
8. The applicant shall provide a detail of the tree grates that will be used within the public sidewalks.
9. The applicant shall obtain an encroachment permit from the Public Works Department for any work done in the right-of-way.
10. All site improvements shall be completed by August 15, 2003, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
11. The applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs prior to building permits being pulled, or the permit may be revoked for non-compliance.